FILED
JUN 12 1945
CHARLES ELMORE CROPLEY
CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1944

No. 1245

SAMUEL OKIN,

Petitioner,

v.

SECURITIES AND EXCHANGE COMMISSION,

Respondent.

ON PETITION OF UNITED GAS CORPORATION, ELECTRIC POWER & LIGHT CORPORATION AND ELECTRIC BOND AND SHARE COMPANY FOR WRIT OF CERTIORARI TO CORRECT RECORD

BRIEF IN OPPOSITION

United Gas Corporation, Electric Power & Light Corporation and Electric Bond and Share Company were not statutory parties to the review proceedings in the Court below pursuant to Section 24(a) of the Public Utility Holding Company Act of 1935 (15 U. S. C. sec. 79x(a)) and said companies had not been granted any right of intervention on said proceeding.

The order of the Court below (R. 101) grants the motion of the Securities and Exchange Commission to dismiss the petition for review and the said Court's opinion specifically states that it grants the said Commission's motion (R. 93-94).

Without any statutory authority the aforesaid companies filed with the Court below the notice of motion and affidavit (Exhibit I attached to the petition of said companies in this Court). The Court below did not act on said motion of the said companies, made no determination with respect thereto and made no order thereon, the lower Court merely stating in its opinion (R. 96, footnote 1):

> "Petitioner, in turn, objects to the standing of the three corporations—the debtor and the parent holding companies—to join in support of the Commission's motion, as not that of formal intervenors, a point we need not determine in view of our decision herewith and their obvious interest at least as *amici curiae.*"

Consequently the said notice of motion and affidavit were not part of the record upon which the order of the Court below was made.

Conclusion

The petition of United Gas Corporation, Electric Power & Light Corporation and Electric Bond and Share Company for a writ of certiorari to correct the record should be dismissed or in the alternative denied.

Respectfully submitted,

SAMUEL OKIN,
Attorney for Petitioner,
SAMUEL OKIN

Dated, June 5th, 1945.